

Remarks

Applicants respectfully requests reconsideration of the present application in view of the above amendments and following remarks. Claims 1 and 4 have been amended and claim 7 has been added. Therefore, claims 1-7 are pending in the present application.

Claim 3 has been objected to as being dependent upon a rejected base claim, but would have been allowable if rewritten in independent form including all the limitations of base claim and any intervening claims. Therefore, claim 7 has been added and includes the limitations of original claims 1 and 3. Applicants submit that claim 7 is allowable. Further, Applicants acknowledge the allowance of claim 6.

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,344,783 to Neuhaus et al. ("the Neuhaus reference"). Applicants respectfully traverse this rejection.

Amended claim 1 a solenoid actuator for linearly actuating a device. The actuator includes a primary pole piece, a secondary pole piece, an armature, and a spring. The primary pole piece has a first annular portion and the secondary pole piece has an outer axial face oriented away from the device and a second annular portion. The second portion is axially separated from the first portion to form an air gap therebetween. The armature is disposed for slidable axial motion within the first and second annular portions. The armature has a side wall terminating in a leading face oriented toward the device and a trailing face oriented away from the device. The leading face and the trailing face are each substantially orthogonal to the

direction of the axial motion and the trailing face remains outside the secondary pole piece at all axial positions of the armature. Further, the spring is positioned between said primary pole piece and said armature.

It is well established that anticipation requires that each element of the claim be disclosed in a single prior art reference. See *W.L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Applicants submit the Neuhaus reference does not teach or suggest a solenoid actuator having a spring positioned between a primary pole piece and an armature as recited in amended claim 1. Instead, as best seen in FIG. 1 of the Neuhaus reference, a compression spring (53) is positioned between a lower ridge formed in a valve housing (54) and a valve piston (51). See Col. 3, lines 12-13. Since all of the features present in amended claim 1 are not disclosed by the Neuhaus reference, Applicants respectfully request that the rejection of claim 1 be withdrawn.

As claim 2 depends from claim 1, Applicants request that the rejection of this claims also be withdrawn for at least the same reason set forth with respect to claim 1.

Amended claim 4 is directed to a poppet valve assembly for proportionally controlling flow of a fluid. The assembly includes a solenoid actuator having a primary pole piece, a secondary pole piece, an armature and a spring. The primary pole piece has a first annular portion and the secondary pole piece has an outer axial face oriented away from the device and a second annular portion. The second portion is axially separated from the first portion to form an air gap therebetween. The armature is disposed for slidable axial motion within the first and second annular

portions. The armature has a side wall terminating in a leading face oriented toward the device and a trailing face oriented away from the device. The leading face and the trailing face are each substantially-orthogonal to the direction of the axial motion and the trailing face remains outside the secondary pole piece at all axial positions of the armature. Further, the spring is positioned between the primary pole piece and the armature.

For at least the same reasons set forth with respect to amended claim 1, Applicants submit that the Neuhaus reference does not teach or suggest a solenoid ~~actuator having a spring positioned between the primary pole piece and the~~ armature as recited in amended claim 4. Thus, Applicants respectfully request that the rejection of claim 4 be withdrawn. As claim 5 depends from claim 4, Applicants request that the rejection of this claim also be withdrawn for at least the same reason set forth with respect to claim 4.

Conclusion

In light of the foregoing, Applicants submit that claims 1-7 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

The Commissioner is hereby authorized to charge the \$86.00 fee required under 37 C.F.R. § 1.16(b) for the additional independent claim in excess of three, and any fee that may have been overlooked, to Deposit Account No. 10-0223.

portions. The armature has a side wall terminating in a leading face oriented toward the device and a trailing face oriented away from the device. The leading face and the trailing face are each substantially orthogonal to the direction of the axial motion and the trailing face remains outside the secondary pole piece at all axial positions of the armature. Further, the spring is positioned between the primary pole piece and the armature.

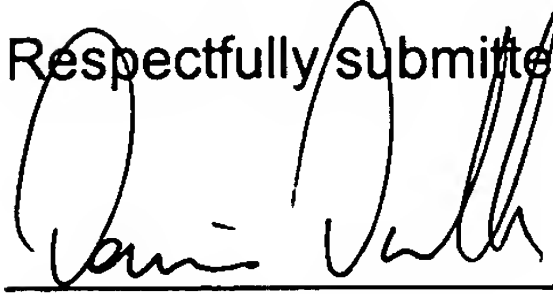
For at least the same reasons set forth with respect to amended claim 1, Applicants submit that the Neuhaus reference does not teach or suggest a solenoid actuator having a spring positioned between the primary pole piece and the armature as recited in amended claim 4. Thus, Applicants respectfully request that the rejection of claim 4 be withdrawn. As claim 5 depends from claim 4, Applicants request that the rejection of this claim also be withdrawn for at least the same reason set forth with respect to claim 4.

Conclusion

In light of the foregoing, Applicants submit that claims 1-7 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

The Commissioner is hereby authorized to charge the \$86.00 fee required under 37 C.F.R. § 1.16(b) for the additional independent claim in excess of three, and any fee that may have been overlooked, to Deposit Account No. 10-0223.

Respectfully submitted,



Dennis B. Danella
Reg. No. 46,653

Dated: 11/21/03

JAECKLE FLEISCHMANN & MUGEL, L.L.P.

39 State Street
Rochester, New York 14614-1310
Tel: (585) 262-3640
Fax: (585) 262-4133

138977.1